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QUESTION OF THE REALIZATION IN ALL COUNTRIES OF THE ECONOMIC, SOCIAL AND CULTURAL RIGHTS CONTAINED IN THE UNIVERSAL DECLARATION OF HUMAN RIGHTS AND IN THE INTERNATIONAL COVENANT ON ECONOMIC, SOCIAL AND CULTURAL RIGHTS, AND STUDY OF SPECIAL PROBLEMS WHICH THE DEVELOPING COUNTRIES FACE IN THEIR EFFORTS TO ACHIEVE THESE HUMAN RIGHTS, INCLUDING: (a) PROBLEMS RELATED TO THE RIGHT TO ENJOY AN ADEQUATE STANDARD OF LIVING; FOREIGN DEBT, ECONOMIC ADJUSTMENT POLICIES AND THEIR EFFECTS ON THE DECLARATION ON THE RIGHT TO DEVELOPMENT; (b) THE EFFECTS OF THE EXISTING UNJUST INTERNATIONAL ECONOMIC ORDER ON THE ECONOMIES OF THE DEVELOPING COUNTRIES, AND THE OBSTACLE THAT THIS REPRESENTS FOR THE IMPLEMENTATION OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS

Note by the Secretariat

1. In accordance with resolution 1996/39 of the Sub-Commission on Prevention of Discrimination and Protection of Minorities, entitled "The relationship between the enjoyment of human rights, in particular economic, social and cultural rights and the right to development, and the working methods and activities of transnational corporations", the following documents are being transmitted to the Commission on Human Rights for its consideration and action: the background document entitled "The relationship between the enjoyment of human rights, in particular, international labour and trade union rights, and the working methods and activities of transnational corporations" prepared by the Secretary-General in pursuance of Sub-Commission resolution 1994/37 (E/CN.4/Sub.2/1995/11) and the report of the Secretary-General entitled "The impact of the activities and working methods of transnational corporations on the full enjoyment of all human rights, in particular, economic, social and cultural rights and the right to development, bearing in mind existing international guidelines, rules and standards relating to the subject-matter" prepared in pursuance of Sub-Commission resolution 1995/31 (E/CN.4/Sub.2/1996/12 and Corr.1).

2. In its resolutions 1995/31 and 1996/39, the Sub-Commission endorsed the above-mentioned document and report respectively. In paragraph 5 of its resolution 1996/39, the Sub-Commission decided to transmit them to the Commission on Human Rights at its fifty-third session for consideration and action under the present agenda item. The Sub-Commission considered that it would be useful for the Commission to establish, for a three-year period, a Working Group composed of five experts nominated by Governments, to be appointed by the Chairman of the Commission at its fifty-third session on the basis of equitable geographical representation and in consultation with the regional groups in the Commission, with the following mandate:

(a) To identify and examine the effects of the methods of work and activities of transnational corporations and business entities with franchises and licences from such corporations on economic, social and cultural rights and the right to development;

(b) To investigate, monitor, examine and receive communications and gather information on the effects of the methods of work and activities of transnational corporations on economic, social and cultural rights and the right to development;

(c) To make recommendations and proposals aimed at regulating, at the national, regional and international levels, the methods of work and activities of transnational corporations in order to ensure that these are in keeping with the economic and social objectives of the countries in which they operate, and to promote economic, social and cultural rights and the right to development;

(d) To prepare each year a list of countries and transnational corporations indicating, in United States dollars, their gross national product or financial turnover, respectively.

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